

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL HOWELL,)
Plaintiff,)
v.)
ST. LOUIS COUNTY JAIL, et al.,)
Defendants.)
No. 4:20 CV 1536 MTS

MEMORANDUM AND ORDER

This matter comes before the Court on a document submitted by plaintiff Michael Howell titled “Amended Complaint [and] Request for [Joinder].” Doc. [8]. The Court has construed the document as a motion to amend. For the reasons discussed below, the motion will be denied.

A plaintiff does “not have an absolute or automatic right to amend.” *United States ex rel. Lee v. Fairview Health System*, 413 F.3d 748, 749 (8th Cir. 2005). Moreover, “interests of finality dictate that leave to amend should be less freely available after a final order has been entered.” *United States ex rel. Roop v. Hypoguard USA, Inc.*, 559 F.3d 818, 823 (8th Cir. 2009). In other words, “[p]ost-dismissal motions to amend are disfavored.” *In re Medtronic, Inc., Sprint Fidelis Leads Prods. Liab. Litig.*, 623 F.3d 1200, 1208 (8th Cir. 2010).

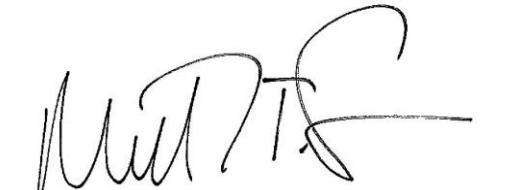
The Court dismissed plaintiff's complaint on November 10, 2020. Doc. [4]. At the same time, plaintiff's motion for leave to proceed in forma pauperis was denied as moot. Plaintiff filed his motion to amend over one year and two months after the closure of his case. Due to the length of time this case has been closed, the Court will deny the motion to amend. The Court notes that its dismissal was without prejudice. If plaintiff wishes, he may file a new civil action. If he does so, he must file a motion for leave to proceed in forma pauperis or pay the filing fee.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-dismissal motion to amend, Doc. [8], is **DENIED**.

IT IS FURTHER ORDERED that an appeal from the denial of this motion would not be taken in good faith.

Dated this 31st day of January, 2022.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE